

By Senator Rich

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1 A bill to be entitled
2 An act relating to corporate transparency in the state
3 budget; providing a short title; providing
4 definitions; requiring each granting body and
5 applicant for a development subsidy to complete an
6 application on a form prepared by the Department of
7 Economic Opportunity; prescribing information that
8 must be contained in the application; establishing
9 procedures and public notice and hearing requirements;
10 requiring each contracting agency and applicant for a
11 contract bid to complete an application prepared by
12 the Department of Economic Opportunity; prescribing
13 the contents of the application; establishing
14 procedures and public notice and hearing requirements;
15 prescribing measurable standards; requiring each
16 granting body and recipient of a subsidy to complete
17 an annual economic development subsidy report on a
18 form prepared by the Department of Economic
19 Opportunity; detailing the criteria for the report;
20 requiring a biennial report; requiring the publication
21 of the data derived from those reports by the
22 department in written and electronic formats and on
23 the department's website; requiring a final agency
24 report; providing for the imposition of fines for the
25 failure to provide certain information; requiring
26 annual and biennial reports on contracts involving the
27 contracting agency and the contract recipient;
28 prescribing details of those reports; requiring the
29 publication of the data derived from those reports by

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30 the department in written and electronic formats and
31 on the department's website; requiring a final agency
32 report; providing for the imposition of fines for the
33 failure to provide certain information; authorizing
34 the Auditor General to conduct an audit of contractor
35 performance under a contract entered into with a state
36 contracting agency; providing parameters for the
37 audit; providing a taxpayer remedy to compel
38 enforcement of the provisions of the act and
39 authorizing reasonable attorney fees and costs to a
40 prevailing taxpayer or organization; requiring the
41 Department of Economic Opportunity to compile and
42 report an annual tax expenditure budget with revenue
43 impacts equal to or exceeding a certain amount;
44 establishing criteria for the budget; requiring the
45 Department of Economic Opportunity to submit a report
46 to the Governor and Legislature assessing certain
47 credits, abatements, exemptions, and reductions;
48 providing criteria for the report; providing for the
49 publication of data from the report; requiring the
50 unified reporting of public contracts by a contracting
51 agency; establishing criteria for those reports;
52 requiring the Department of Economic Opportunity to
53 compile data concerning annual contracts and to report
54 the data to the Governor and Legislature; requiring
55 publication of the data by the department in written
56 and electronic formats and on the department's
57 website; requiring each property taxing entity to
58 submit an annual report for a property receiving tax

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59 abatement or reduction during the fiscal year to the
60 Department of Economic Opportunity; prescribing
61 requirements for the report; requiring the department
62 to annually publish the data contained in the reports
63 in written and electronic formats and on the
64 department's website; authorizing the Department of
65 Revenue to withhold tax reductions or abatements from
66 a delinquent taxing entity that fails to file reports;
67 providing a taxpayer remedy to compel enforcement of
68 the provisions of the act and authorizing reasonable
69 attorney fees and costs to a prevailing taxpayer or
70 organization; clarifying that the act may not be
71 construed to require or authorize a recipient
72 corporation to reduce wages or benefits established
73 under a collective bargaining agreement or state or
74 federal wage law; requiring certain corporations doing
75 business in the state to file a tax disclosure
76 statement with the Department of Revenue; specifying
77 when the statement shall be filed and the contents of
78 the statement; requiring certain information that must
79 be reported or used in preparing certain tax returns;
80 providing an alternative statement option for certain
81 corporations; permitting supplemental information;
82 requiring a revised tax disclosure statement when a
83 corporation files an amended tax return; requiring
84 that the Department of Revenue make the tax disclosure
85 statements available to the public through a
86 searchable database accessible through the Internet;
87 providing that the accuracy of the statements be

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88 attested to by the chief operating officer of the
89 corporation and subject to an audit by the Department
90 of Revenue; requiring the Department of Revenue to
91 develop an oversight and penalty system and publish
92 the name and penalty imposed upon a corporation;
93 authorizing rulemaking authority; providing an
94 effective date.

95

96 Be It Enacted by the Legislature of the State of Florida:

97

98 Section 1. This act may be cited as the "Corporate
99 Transparency in the State Budget Act."

100 Section 2. Definitions.—As used in this act, the term:

101 (1) "Consulting services" means work that a person other
102 than a regular employee of a state contracting agency or local
103 contracting agency does for or on behalf of the agency in return
104 for compensation provided under the terms of a public contract.
105 The work may include, but is not limited to:

106 (a) Performing or providing research, analysis,
107 assessments, data processing or computer programming, training
108 or education, accounting, audits or evaluations, treatment, or
109 security;

110 (b) Giving professional advice or recommendations;

111 (c) Designing business or communications processes,
112 procedures, methods, or strategies; or

113 (d) Other work related to the functions of the state
114 contracting agency or local contracting agency.

115 (2) "Contract" means any expenditure of public funds of at
116 least \$25,000 for the purpose of establishing an agreement or

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117 outlining a transaction between an entity and a government body
118 to perform a specific service for compensation.

119 (3) "Contracting agency" means any agency of the state or a
120 local government unit that awards contracts.

121 (4) "Contractor" means any person other than a regular
122 employee of a state contracting agency or local contracting
123 agency who performs work for or on behalf of the agency in
124 return for compensation provided under the terms of a public
125 contract.

126 (5) "Corporate parent" means any person, association,
127 corporation, joint venture, partnership, or other entity that
128 owns or controls 50 percent or more of a recipient corporation.

129 (6) "Corporation" means any entity subject to the tax
130 levied by chapter 220, Florida Statutes, or by section 11 of the
131 Internal Revenue Code of 1986, as amended, except that the term
132 "qualified personal service corporation," as defined in section
133 448 of the Internal Revenue Code of 1986, as amended, is exempt
134 from this act.

135 (7) "Date of subsidy" means:

136 (a) The date that a granting body provides the initial
137 monetary value of a development subsidy to a recipient
138 corporation;

139 (b) If the subsidy is for the installation of new
140 equipment, the date the recipient corporation puts the equipment
141 into service; or

142 (c) If the subsidy is for improvements to property, the
143 date the improvements are finished or the date the corporation
144 occupies the property, whichever is earlier.

145 (8) "Development subsidy" means any expenditure of public

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146 funds with a value of at least \$25,000 for the purpose of
147 stimulating economic development within the state, including,
148 but not limited to, bonds, grants, loans, loan guarantees,
149 enterprise zones, empowerment zones, tax increment financing,
150 grants, fee waivers, land price subsidies, matching funds, tax
151 abatements, tax exemptions, and tax credits.

152 (9) "Doing business in this state" means owning or renting
153 real or tangible personal property physically located in this
154 state; having employees, agents, or representatives acting on
155 the corporation's behalf in this state; making sales of tangible
156 personal property to purchasers that take possession of such
157 property in this state; performing services for customers
158 located in this state; performing services in this state;
159 earning income from intangible property that has a business site
160 in this state; engaging in regular and systematic solicitation
161 of sales in this state; being a partner in a partnership engaged
162 in any of the preceding activities in this state; or being a
163 member of a limited liability company engaged in any of the
164 preceding activities in this state.

165 (10) "Full-time job" means a job in which an individual is
166 employed by a recipient corporation for at least 35 hours per
167 week.

168 (11) "Granting body" means any agency, board, commission,
169 office, public benefit corporation, or public authority of the
170 state or a local government unit that provides a development
171 subsidy.

172 (12) "Local government unit" means an agency, board,
173 commission, office, public benefit corporation, or public
174 authority of a political subdivision of the state.

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175 (13) "Part-time job" means a job in which an individual is
176 employed by a recipient corporation for less than 35 hours per
177 week.

178 (14) "Project site" means the site of a project for which
179 any development subsidy is provided.

180 (15) "Property taxing entity" means any entity that levies
181 taxes upon real or personal property.

182 (16) "Recipient contractor" means any person, association,
183 corporation, joint venture, partnership, or other entity that is
184 awarded a contract bid.

185 (17) "Recipient corporation" means any person, association,
186 corporation, joint venture, partnership, or other entity that
187 receives a development subsidy.

188 (18) "Small business" means a corporation whose corporate
189 parent, and all subsidiaries thereof, employed fewer than 20
190 full-time employees or had total gross receipts of less than \$1
191 million during the calendar year.

192 (19) "State" means an agency, board, commission, office,
193 public benefit corporation, or public benefit authority of the
194 state.

195 (20) "Subsidy value" means the face value of any and all
196 development subsidies provided to a recipient corporation.

197 (21) "Tax expenditure" means a statutory provision, however
198 denominated, that exempts certain persons, property, goods, or
199 services, in whole or in part, from the operation of a tax.

200 (22) "Tax expenditure budget" means a compilation of
201 information about the state's tax expenditures that includes
202 data from the previous, current, and upcoming fiscal year.

203 (23) "Temporary job" means a job in which an individual is

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204 hired for a season or for a limited period of time.

205 Section 3. Applicant and recipient corporation reporting.-

206 (1) APPLICATION FOR ECONOMIC DEVELOPMENT SUBSIDIES.-

207 (a) Each granting body, together with the applicant for a
208 development subsidy, shall complete an application for the
209 subsidy on a form prepared by the Department of Economic
210 Opportunity. The information required on the application shall
211 include the following:

212 1. An application tracking number for the granting body and
213 the project.

214 2. The name, street and mailing address, and phone number
215 of the chief officer of the granting body.

216 3. The name, street and mailing address, and phone number
217 of the chief officer of the applicant's corporate parent.

218 4. The name, street and mailing address, and phone number
219 of the chief officer of the applicant.

220 5. The name, street and mailing address, and phone number
221 of the granting body official responsible for monitoring the
222 subsidy.

223 6. The street address of the project site.

224 7. The name, type, and description of the economic
225 development subsidy.

226 8. The three-digit North American Industry Classification
227 System number of the project site.

228 9. The total number of individuals employed by the
229 applicant at the project site on the date of the application,
230 broken down by full-time, part-time, and temporary positions.

231 10. The total number of individuals employed in the state
232 by the applicant's corporate parent, and all subsidiaries

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233 thereof, as of December 31 of the prior fiscal year, broken down
234 by full-time, part-time, and temporary positions.

235 11. The development subsidy or subsidies being applied for
236 with the granting body, the value of such subsidy or subsidies,
237 the name of any other granting body from which development
238 subsidies are sought or obtained, and the aggregate value of all
239 development subsidies requested or received from all sources.

240 12. The number of new jobs to be created by the applicant
241 at the project site, broken down by full-time, part-time, and
242 temporary positions.

243 13. The average hourly wage to be paid to all current and
244 new employees at the project site, broken down by full-time,
245 part-time, and temporary positions, and further broken down by
246 wage groups as follows: minimum wage to \$10 per hour, \$10.01 to
247 \$12 per hour, and \$12.01 or more per hour.

248 14. The type and amount of health care coverage to be
249 provided by the applicant within 90 days after commencement of
250 employment at the project site, including any costs to be borne
251 by the employees.

252 15. The number of current employees provided health care
253 benefits.

254 16. The number of current employees and anticipated new
255 employees represented by collective bargaining.

256 17. For project sites located in a Metropolitan Statistical
257 Area, as defined by the federal Office of Management and Budget,
258 the average hourly wage paid to nonmanagerial employees in the
259 state for the industries involved at the project, as established
260 by the United States Bureau of Labor Statistics.

261 18. For project sites located outside of Metropolitan

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262 Statistical Areas, the average weekly wage paid to nonmanagerial
263 employees in the county for industries involved at the project,
264 as established by the United States Department of Commerce.

265 19. Whether the project will be Leadership in Energy and
266 Environmental Design (LEED) certified and, if so, the project's
267 LEED rating.

268 20. The start and end dates for the economic development
269 subsidy.

270 21. The project site's proximity to mass transit, a
271 regional rail line, or a major highway off-ramp.

272 22. A statement as to whether the development subsidy may
273 reduce employment at any other site controlled by the applicant
274 or its corporate parent, within or outside the state, resulting
275 from automation, merger, acquisition, corporate restructuring,
276 or another business activity.

277 23. A statement confirming the subsidy applicant's past
278 legal compliance, including compliance with minimum wage,
279 employee rights, and affirmative action laws.

280 24. A statement as to whether the project involves the
281 relocation of work from another address and, if so, the number
282 of jobs to be relocated and the address from which they are to
283 be relocated.

284 25. The projected net tax revenue accruing to the local
285 government unit as a result of the economic development subsidy.

286 26. Any material documents, such as insurance policies,
287 rating agency reports, or other pertinent documents, that are
288 necessary to ensure the subsidy is reasonably crafted and geared
289 towards its public interest within a cofinanced or leveraged
290 project.

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291 27. The projected subsidy value.

292 28. A certification by the chief officer of the applicant
293 as to the accuracy of the application.

294 (b) If the granting body approves the application, it shall
295 send a copy to the department within 15 days after such
296 approval. If the application is not approved, the granting body
297 shall retain the application in its records.

298 (c) Before granting an economic development subsidy, each
299 local government unit shall provide public notice and a hearing
300 regarding the economic development subsidy. A public hearing and
301 notice are not required under this subsection if a hearing and
302 notice regarding the economic development subsidy are otherwise
303 required by law.

304 (2) APPLICATION FOR CONTRACT BID.—

305 (a) Each contracting agency, together with the applicant
306 for a contract bid, shall complete an application for the
307 contract on a form prepared by the Department of Economic
308 Opportunity. The information required on the application shall
309 include the following:

310 1. An application tracking number for the contracting
311 agency and the contract.

312 2. The name, street and mailing address, and phone number
313 of the chief officer of the contracting agency.

314 3. The name, street and mailing address, and phone number
315 of the chief officer of the applicant's corporate parent.

316 4. The name, street and mailing address, and phone number
317 of the chief officer of the applicant.

318 5. The name, street and mailing address, employer, and
319 employment category or job description of each person that will

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320 provide consulting services under the contract, including
321 subcontractors.

322 6. The name, street and mailing address, and phone number
323 of the contracting agency official responsible for monitoring
324 the contract.

325 7. The three-digit North American Industry Classification
326 System number of the entity applying for a bid.

327 8. The type of service required by the contract.

328 9. The total number of individuals employed by the
329 applicant on the date of the application, broken down by full-
330 time, part-time, and temporary positions.

331 10. The total number of individuals employed in the state
332 by the applicant's corporate parent, and all subsidiaries
333 thereof, as of December 31 of the previous fiscal year, broken
334 down by full-time, part-time, and temporary positions.

335 11. The bids being applied for with the contracting agency,
336 the value of the contract or contracts, the name of any other
337 contracting agencies from which bids are sought or obtained, and
338 the aggregate value of all bids requested or received from all
339 sources.

340 12. The number of contractors or subcontractors needed to
341 perform the required services, broken down by full-time, part-
342 time, and temporary positions.

343 13. The types of services the contractor, subcontractor,
344 and any other contract employees provide.

345 14. The average hourly wage to be paid to each contractor,
346 subcontractor, and contract employee, broken down by full-time,
347 part-time, and temporary positions, and further broken down by
348 wage groups as follows: minimum wage to \$10 per hour, \$10.01 to

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349 \$12 per hour, and \$12.01 or more per hour.

350 15. The number of hours each person, including each
351 subcontractor and contract employee, is expected to work
352 providing consulting services to the agency under the terms of
353 the contract.

354 16. The total compensation of each contractor and
355 subcontractor.

356 17. The type and amount of health care coverage to be
357 provided by the applicant within 90 days after commencement of
358 the contract, including any costs that will be borne by the
359 employees.

360 18. The number of contractors or subcontractors associated
361 with the contract represented by collective bargaining.

362 19. For applicants based in a Metropolitan Statistical
363 Area, as defined by the federal Office of Management and Budget,
364 the average hourly wage paid to nonmanagerial employees in the
365 state for the industries involved at the project, as established
366 by the United States Bureau of Labor Statistics.

367 20. For applicants based outside of a Metropolitan
368 Statistical Area, the average weekly wage paid to nonmanagerial
369 employees in the county for industries involved at the project,
370 as established by the United States Department of Commerce.

371 21. The start and end dates for the contract.

372 22. A statement confirming the applicant's past legal
373 compliance, including compliance with minimum wage, employee
374 rights, and affirmative action laws.

375 23. The projected savings accruing to the contracting
376 agency.

377 24. The projected total cost of the contract.

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378 25. A certification by the chief officer of the applicant
379 as to the accuracy of the application.

380 (b) If the contracting agency approves the bid, it shall
381 send a copy to the Department of Economic Opportunity within 15
382 days after the approval. If the application is not approved, the
383 granting body shall retain the application in its records.

384 (c) Before approving a contract bid, each contracting
385 agency shall provide public notice and a hearing regarding the
386 contract bid. A public hearing and notice are not required under
387 this subsection if a hearing and notice regarding the contract
388 bid are otherwise required by law.

389 Section 4. Reports on subsidies and contracts.-

390 (1) ESTABLISHMENT OF MEASURABLE STANDARDS.-

391 (a) Before entering into a public contract, a contracting
392 agency shall establish measurable standards for assessing the
393 quality of the goods or services, personal services, personal
394 property, public improvements or public works, alterations,
395 repairs, or maintenance that a contractor will provide or
396 perform under the contract. The contracting agency may develop
397 the quality standards applicable to the public contract in
398 cooperation with or as a result of negotiations with the
399 contractor to which the contracting agency has awarded the
400 public contract. Unless the contracting agency for good cause
401 specifies otherwise, the quality standards may not be less than
402 the highest standards prevalent in the industry or business most
403 closely involved in providing the appropriate goods or services,
404 personal services, personal property, public improvements,
405 public works, alterations, repairs, or maintenance.

406 (b) If a contracting agency performs a cost analysis before

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407 a procurement for goods or services with an estimated contract
408 price that exceeds \$25,000, that analysis will be a public
409 record open to personal inspection and copying at reasonable
410 times. The contracting agency shall provide a comparison of the
411 findings of the cost analysis with the actual cost of the
412 contract in its annual and biennial report as described in
413 subsection (3).

414 (2) REPORT ON ECONOMIC DEVELOPMENT SUBSIDIES.—

415 (a) Annual reports.—

416 1. Each granting body, together with the recipient of the
417 subsidy, shall complete a report for the subsidy on a form
418 prepared by the Department of Economic Opportunity no later than
419 30 days after the beginning of the fiscal year. The report shall
420 include the following information:

421 a. The application tracking number.

422 b. The name, street and mailing addresses, phone number,
423 and chief officer of the granting body.

424 c. The name, street and mailing addresses, phone number,
425 and chief officer of the recipient corporation.

426 d. The name, street and mailing address, and phone number
427 of the granting body official responsible for monitoring the
428 subsidy.

429 e. A summary of the number of jobs required, created, and
430 lost, broken down by full-time, part-time, and temporary
431 positions.

432 f. The name, type, and description of the economic
433 development subsidy.

434 g. The average hourly wage to be paid to all current and
435 new employees at the project site, broken down by full-time,

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436 part-time, and temporary positions, and further broken down by
437 wage groups as follows: minimum wage to \$10 per hour, \$10.01 to
438 \$12 per hour, and \$12.01 or more per hour.

439 h. The location of employees by zip code.

440 i. The type and amount of health care coverage provided to
441 the employees at the project site, including any costs borne by
442 the employees.

443 j. The number of current employees represented by
444 collective bargaining.

445 k. Whether the project will be LEED-certified and, if so,
446 the project's LEED rating.

447 l. The start and end dates and schedule for the economic
448 development subsidy.

449 m. The project site's proximity to mass transit, a regional
450 rail line, or a major highway off-ramp.

451 n. The comparison of the total employment in the state by
452 the recipient's corporate parent on the date of the application
453 and the date of the report, broken down by full-time, part-time,
454 and temporary positions.

455 o. A statement as to whether the use of the development
456 subsidy during the previous fiscal year has reduced employment
457 at any other site controlled by the recipient corporation or its
458 corporate parent, within or outside the state, as a result of
459 automation, merger, acquisition, corporate restructuring, or
460 another business activity.

461 p. A statement as to whether any affordable housing has
462 been displaced by the project.

463 q. A statement as to whether the project has involved the
464 relocation of work from another address and, if so, the number

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465 of jobs relocated and the address from which they were
466 relocated.

467 r. All sources of public and private financing in relation
468 to the project.

469 s. Any cost analysis or feasibility study that may have
470 been conducted by the state or granting body before the subsidy
471 was awarded.

472 t. Any material documents, such as insurance policies,
473 rating agency reports, or other pertinent documents, that are
474 necessary to ensure the subsidy is reasonably crafted and geared
475 towards its public interest within a cofinanced or leveraged
476 project.

477 u. The net tax revenue accruing to the local government
478 unit as a result of the economic development subsidy.

479 v. The total subsidy value.

480 w. The recorded action, if any, that the granting body has
481 taken against potential noncompliance.

482 x. A signed certification by the chief officer of the
483 recipient corporation as to the accuracy of the progress report.

484 2. The granting body shall compile the data specified in
485 subparagraph 1. and file an annual progress report with the
486 Department of Economic Opportunity for each project for which a
487 development subsidy has been granted no later than 60 days after
488 the start of the fiscal year.

489 3. On all subsequent annual progress reports, the granting
490 body shall indicate whether the recipient corporation is still
491 in compliance with its job creation and wage and benefit goals,
492 and whether the corporate parent is still in compliance with its
493 state employment requirement.

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494 4. Granting bodies and recipient corporations shall file
495 annual progress reports for the duration of the subsidy.

496 (b) Two-year report.—

497 1. No later than 15 days after the second anniversary of
498 the date of the subsidy, the granting body shall file with the
499 Department of Economic Opportunity a 2-year progress report
500 including the same information as required in paragraph (a). The
501 recipient corporation shall certify as to the accuracy of such
502 report.

503 2. The granting body shall state in the 2-year report
504 whether the recipient corporation has achieved its job creation
505 and wage and benefit goals, and whether the corporate parent has
506 maintained 90 percent of its employment in the state.

507 (c) Publication of data.—The department shall compile and
508 publish all data from the progress reports in both written and
509 electronic form, including publishing the data on the
510 department's website. The website shall provide an easily
511 accessible, searchable database of the specified data.

512 (d) Final report by agency.—The local government unit shall
513 provide a final report at the conclusion of each economic
514 development subsidy that shall contain the information described
515 in paragraph (a) in written form available to the public and
516 available through its website. The local government unit's
517 website shall provide an easily accessible, searchable database
518 of the specified data.

519 (e) Access and availability.—The granting body and the
520 department shall have access at all reasonable times to the
521 project site and the records of the recipient corporation in
522 order to monitor the project and to prepare progress reports.

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523 (f) Fines.—A recipient corporation that fails to provide
524 the granting body with the information or access required under
525 paragraphs (a) and (b) is subject to a fine of not less than
526 \$500 per day if it has not provided the granting body with the
527 necessary information 30 days after the start of each fiscal
528 year.

529 (3) REPORT ON CONTRACTS.—

530 (a) Annual reports.—

531 1. Each contracting agency, together with the contract
532 recipient, shall complete a report for the contract on a form
533 prepared by the Department of Economic Opportunity no later than
534 30 days after the start of the fiscal year. The report shall
535 include the following information:

536 a. An application tracking number for the contracting
537 agency for the service.

538 b. The name, street and mailing address, and phone number
539 of the chief officer of the contracting agency.

540 c. The name, street and mailing address, and phone number
541 of the chief officer of the applicant's corporate parent.

542 d. The name, street and mailing address, and phone number
543 of the chief officer of the applicant.

544 e. The name, street and mailing address, employer, and
545 employment category or job description of each person that
546 provided consulting services under the contract, including
547 subcontractors.

548 f. The name, street and mailing address, and phone number
549 of the contracting agency official responsible for monitoring
550 the contract.

551 g. The three-digit North American Industry Classification

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552 System number of the entity applying for a bid.

553 h. The procedure the agency used to solicit and award the
554 contract. The report shall note whether the procedure involved
555 competitive bidding or competitive proposals and summarize the
556 extent to which the procedure sought to and succeeded in
557 soliciting bids or proposals from minorities, women, or emerging
558 small businesses.

559 i. The type of service required by the contract.

560 j. The total number of individuals employed by the
561 applicant on the date of the application and the date of the
562 report, broken down by full-time, part-time, and temporary
563 positions.

564 k. The total number of individuals employed in the state by
565 the applicant's corporate parent, and all subsidiaries thereof,
566 as of December 31 of the previous fiscal year, broken down by
567 full-time, part-time, and temporary positions.

568 l. The bids applied for with the contracting agency, the
569 value of such contract or contracts, the name of any other
570 contracting agencies from which bids were sought or obtained,
571 and the aggregate value of all bids requested or received from
572 all sources.

573 m. The number of contractors, subcontractors, and contract
574 employees who performed required services, broken down by full-
575 time, part-time, and temporary positions.

576 n. The types of services the contractor, subcontractor, and
577 any contract employees provided.

578 o. The average hourly wage paid to each contractor,
579 subcontractor, and contract employee, broken down by full-time,
580 part-time, and temporary positions, and further broken down by

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581 wage groups as follows: minimum wage to \$10 per hour, \$10.01 to
582 \$12 per hour, and \$12.01 or more per hour.

583 p. The number of hours each person, including each
584 subcontractor, worked in providing consulting services to the
585 agency under the terms of the contract.

586 q. The total compensation of each contractor,
587 subcontractor, and contract employee.

588 r. A summary of each amendment to the contract that changed
589 the contract term, the contract price or estimated total value,
590 the nature of the consulting services, or the identity of a
591 person providing consulting services under the contract,
592 including the identity of subcontractors.

593 s. The type and amount of health care coverage provided by
594 the applicant within 90 days after commencement of the contract,
595 including any costs to be borne by the employees.

596 t. The number of contractors or subcontractors associated
597 with the contract represented by collective bargaining.

598 u. For applicants based in a Metropolitan Statistical Area,
599 as defined by the federal Office of Management and Budget, the
600 average hourly wage paid to nonmanagerial employees in the state
601 for the industries involved at the project, as established by
602 the United States Bureau of Labor Statistics.

603 v. For applicants based outside of Metropolitan Statistical
604 Areas, the average weekly wage paid to nonmanagerial employees
605 in the county for industries involved at the project, as
606 established by the United States Department of Commerce.

607 w. The start and end dates for the contract.

608 x. A statement confirming the applicant's past legal
609 compliance, including compliance with minimum wage, employee

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- 610 rights, and affirmative action laws.
- 611 y. The savings accrued to the contracting agency.
- 612 z. The total cost of the contract.
- 613 aa. A cost analysis, if previously conducted by a state or
- 614 contracting agency.
- 615 bb. A comparison of the actual cost with the findings of a
- 616 cost analysis, if previously conducted by the contracting
- 617 agency.
- 618 cc. A copy of the actual contract and any revisions or
- 619 amendments.
- 620 dd. A certification by the chief officer of the applicant
- 621 as to the accuracy of the application.
- 622 2. Each contracting agency shall compile the data specified
- 623 in subparagraph 1. and file an annual progress report with the
- 624 department for each contract no later than 60 days after the
- 625 start of the fiscal year.
- 626 3. On all subsequent annual progress reports, the
- 627 contracting agency shall indicate whether the recipient
- 628 corporation is still in compliance with its savings, wage, and
- 629 benefit goals, and whether the recipient corporation has met the
- 630 measurable standards set by the department.
- 631 4. The contracting agency and recipient contractors shall
- 632 file annual progress reports for the duration of the contract.
- 633 (b) Two-year report.—
- 634 1. No later than 15 days after the second anniversary of
- 635 the date of the contract, the contracting agency shall file with
- 636 the Department of Economic Opportunity a 2-year progress report
- 637 including the same information as required under paragraph (a).
- 638 The recipient contractor shall certify as to the accuracy of the

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639 report.

640 2. The contracting agency shall state in the 2-year
641 progress report whether the recipient contractor has achieved
642 its savings, wage, and benefit goals, and whether it has met the
643 measurable standards set by the department.

644 (c) Publication of data.—The department shall compile and
645 publish all data from the progress reports in both written and
646 electronic form, including publishing the data on the
647 department's website. The website shall provide an easily
648 accessible, searchable database of the specified data.

649 (d) Final report by agency.—The contracting agency shall
650 provide a final report at the conclusion of each economic
651 development subsidy that shall contain the information described
652 in paragraph (a) in written form available to the public and
653 published on its website. The local government unit's website
654 shall provide an easily accessible, searchable database of the
655 specified data.

656 (e) Access and availability.—The contracting agency and the
657 department shall have access at all reasonable times to the
658 project site and the records of the recipient corporation in
659 order to monitor the project and to prepare progress reports.

660 (f) Fines.—A recipient contractor that fails to provide the
661 contracting agency with the information or access required under
662 paragraphs (a) and (b) is subject to a fine of not less than
663 \$500 per day, if it has not provided the agency with the
664 necessary information 30 days after the beginning of each fiscal
665 year.

666 (4) CONTRACT AUDITS.—

667 (a) The Auditor General has authority to audit a

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668 contractor's performance under a public contract into which a
669 state contracting agency enters. The audit shall use generally
670 accepted accounting principles and may:

671 1. Examine the contractor's books, papers, correspondence,
672 and other records related to the public contract.

673 2. Assess whether the contractor has met the standards set
674 forth in the public contract under paragraph (1) (a).

675 3. Determine whether the contractor has met commercial
676 standards of good faith and fair dealing in the contractor's
677 course of dealing with the contracting agency.

678 4. Examine other issues that the department deems germane
679 to assessing the contractor's performance under the public
680 contract.

681 (b) A state contracting agency may request the Auditor
682 General to audit a contractor's performance under a public
683 contract for any reason and at any point during which the public
684 contract is in effect or for a period of 6 years after the date
685 on which the public contract terminates.

686 (c) The terms of a public contract shall require a
687 contractor to keep books, papers, and other records and to
688 document the contractor's performance under the terms of the
689 public contract, with particular reference to the contractor's
690 compliance with the standards set forth in the public contract,
691 in as much detail as will enable the Auditor General to conduct
692 an audit under this section. The contractor shall keep the
693 records described in this paragraph for a minimum of 6 years
694 after the date on which the public contract terminates.

695 (d) A local contracting agency shall designate a person who
696 will have the authority to audit contractor performance under a

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697 public contract into which the local contracting agency enters.
698 The person the local contracting agency authorizes to conduct
699 the audit shall do so in accordance with the standards
700 prescribed in this section and shall follow as closely as
701 practicable the procedures employed by the Auditor General.

702 (e) The contracting agency and the contractor shall
703 cooperate with the auditing agency in all respects and shall
704 permit full access to all information that the auditing agency
705 deems necessary for a true and complete review.

706 (5) PRIVATE ENFORCEMENT ACTION.—If a granting body or
707 contracting agency fails to enforce any provision of this
708 section, any individual who paid personal income taxes to the
709 state in the calendar year prior to the year in dispute, or any
710 organization representing such taxpayers, shall be entitled to
711 bring a civil action in state court to compel enforcement under
712 this section. The court shall award reasonable attorney fees and
713 costs to such prevailing taxpayer or organization.

714 Section 5. Unified reporting.—

715 (1) UNIFIED TAX EXPENDITURE BUDGET.—

716 (a) No later than 60 days after the end of the fiscal year,
717 the Department of Economic Opportunity shall compile a tax
718 expenditure budget for the previous fiscal year and present the
719 tax expenditure budget, including an analysis of tax
720 expenditures, to the Governor and the Legislature. The tax
721 expenditure budget shall report on tax expenditures with revenue
722 impacts equal to or greater than \$5,000 in the aggregate for a
723 specific tax expenditure, and shall include:

724 1. The amount of uncollected state tax revenues resulting
725 from every tax credit, abatement, exemption, and reduction

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726 provided by the state or a local governmental unit, including,
727 but not limited to, gross receipts, income, sales, use, raw
728 materials, excise, property, utility, and inventory taxes.

729 2. The name of each corporate taxpayer that claimed any tax
730 credit, abatement, exemption, or reduction under subsection (1)
731 of any value equal to or greater than \$5,000, together with the
732 dollar amount received by each such corporation.

733 3. A projection of the costs of tax expenditures for all
734 significant general revenue fund sources.

735 4. Identification of each tax expenditure and its statutory
736 basis, purpose, year of enactment, and date of repeal, if any.

737 5. Identification, to the extent possible, of the
738 beneficiaries of each tax expenditure, including the number of
739 businesses that used the tax expenditure and the number of
740 businesses that potentially qualified for but failed to use the
741 tax expenditure.

742 6. Identification of any unintended consequences of the tax
743 expenditure that have come to the attention of the department.

744 7. An estimate of total state revenue distributed for tax
745 expenditures in the current fiscal year.

746 8. An estimate of total state revenue to be distributed for
747 tax expenditures in the upcoming fiscal year.

748 9. The total cost to the state of tax expenditures
749 resulting from the development subsidies, the costs for each
750 category of tax expenditure, and the amounts of tax expenditures
751 by geographical area.

752 10. The cost to the state of all appropriated expenditures
753 for development subsidies, including line-item budgets for every
754 state-funded entity concerned with economic development.

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755 (b) Any tax credit, abatement, exemption, or reduction
756 received by a corporation of less than \$5,000 each shall not be
757 itemized. The department shall report an aggregate dollar amount
758 of such expenditures and the number of companies so aggregated
759 for each tax expenditure.

760 (c) The department may request from a state agency or an
761 official from a local governmental unit information necessary to
762 complete the tax expenditure budget required by this section.
763 The agency or official shall comply with a request made pursuant
764 to this section by the department.

765 (d) Before the conclusion of any tax expenditure under
766 paragraph (a) of any value equal to or greater than \$5,000, the
767 department shall submit a report to the Governor and the
768 Legislature to assess whether to reappraise the particular tax
769 credit, abatement, exemption, or reduction, and the report shall
770 include:

771 1. A statement of the purpose served by the tax
772 expenditure.

773 2. An appraisal of the tax expenditure's effectiveness in
774 serving its purpose.

775 3. An evaluation of whether the tax expenditure serves a
776 public need.

777 4. An evaluation of whether other statutes have enhanced or
778 impeded the tax expenditure's effectiveness in serving its
779 purpose.

780 5. An appraisal of whether the tax expenditure promotes
781 economic growth and development.

782 6. An estimate of the amount of revenue lost each fiscal
783 year because of the tax expenditure.

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784 7. A recommendation as to whether the tax expenditure
785 should be allowed to expire or be renewed.

786 8. Any other relevant information.

787 (e) The department shall compile and publish all data from
788 the report in both written and electronic form, including
789 publishing the data on the department's website. The website
790 shall provide an easily accessible, searchable database of the
791 specified data.

792 (2) UNIFIED REPORTING OF CONTRACTS.—

793 (a) For the aggregated total of public contracts, each
794 contracting agency must provide a comprehensive report to the
795 department no later than 3 months after the end of the fiscal
796 year detailing:

797 1. The total number of contracts that the agency awarded in
798 the previous fiscal year, along with the total expenditures for
799 all such contracts up until the date on which the agency
800 produced the report, including, but not limited to, contracts
801 for:

802 a. Consulting.

803 b. Construction.

804 c. Equipment.

805 d. Grants.

806 e. Leases.

807 f. Miscellaneous services.

808 g. Printing.

809 h. Repayment agreements.

810 i. Intergovernmental agreements.

811 j. Goods.

812 2. The total workforce of the agency.

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- 813 3. The total number of persons, including subcontractors,
814 that provided consulting services to the agency.
- 815 4. A calculation of contractors as a percentage of the
816 total agency workforce.
- 817 5. The total number of minorities, women, or emerging small
818 businesses that provided consulting services to the agency.
- 819 6. The total number of bids or proposals the agency
820 received in connection with each contract.
- 821 7. A description of the types of contracts the agency
822 awarded.
- 823 8. The frequency of contracts awarded during the previous
824 fiscal year arranged by the number of bids or proposals and the
825 source selection method.
- 826 9. The number of contracts disapproved by the agency during
827 the previous fiscal year and the reasons for disapproval
828 arranged by agency and source selection method, and the number
829 and outcome of bid protests.
- 830 10. The total compensation the agency paid to each person,
831 including subcontractors, that provided consulting services to
832 the agency under all contracts the agency awarded to the person.
- 833 11. The average wages paid.
- 834 12. The total savings the agency accrued from using
835 contractors.
- 836 13. The estimated number and costs of contracts to be
837 awarded in the following fiscal year.
- 838 14. The total cost of all contracts awarded.
- 839 15. A comparison of the number of contracts the agency
840 solicited and awarded independently to the number of contracts
841 the agency solicited and awarded in connection with a

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842 cooperative procurement process. The comparison must also show
843 the sum of the contract prices or estimated dollar values of the
844 contracts solicited and awarded independently, together with the
845 sum of the agency's expenditures for the contracts up until the
846 date on which the agency produced the report, compared to the
847 corresponding sums for contracts solicited and awarded in
848 connection with cooperative procurements.

849 (b) The department shall compile the data in paragraph (a)
850 and provide to the Governor and the Legislature a comprehensive
851 presentation of the data, as well as the costs of all contracts
852 to the state during the prior fiscal year, an estimate of the
853 anticipated costs of contracts for the then-current fiscal year,
854 and an estimate of the costs of all contracts for the fiscal
855 year of the requested budget.

856 (c) The department shall compile and publish all data from
857 the report in both written and electronic form, including
858 publishing the data on the department's website. The website
859 shall provide an easily accessible, searchable database of the
860 specified data.

861 (3) UNIFIED REPORTING OF PROPERTY TAX REDUCTIONS AND
862 ABATEMENTS.-

863 (a) Each property taxing entity shall annually submit a
864 report to the Department of Economic Opportunity regarding any
865 real property in the entity's jurisdiction that has received a
866 property tax abatement or reduction during the fiscal year. The
867 report shall contain information, including, but not limited to:

- 868 1. The name of the property owner.
869 2. The address of the property and the start and end dates
870 of the property tax reduction or abatement.

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871 3. The schedule of the tax reduction.

872 4. Each tax abatement, reduction, and exemption for the
873 property.

874 5. The amount of property tax revenue not paid to the
875 taxing entity as a result of the reduction or abatement.

876 (b) Each property taxing entity shall also submit a report
877 to the department setting forth the total property tax revenue
878 not paid to such entity during the fiscal year as a result of
879 all property tax reductions and abatements in the entity's
880 jurisdiction.

881 (c) The reports required under paragraphs (a) and (b) shall
882 be prepared on two forms developed by the department and shall
883 be submitted to the department by the property taxing entity no
884 later than 3 months after the end of the fiscal year.

885 (d) The department shall annually compile and publish all
886 of the data contained in the reports required under paragraphs
887 (a) and (b) in both written and electronic form, including
888 publishing the data on the department's website. The website
889 shall provide an easily accessible, searchable database of the
890 specified data.

891 (e) If a property taxing entity fails to submit its reports
892 to the department within the prescribed time, the department
893 shall notify the Department of Revenue, and the Department of
894 Revenue shall withhold further tax reductions or abatements to
895 the delinquent entity until the entity files its reports with
896 the department.

897 (4) PRIVATE ENFORCEMENT ACTION.—If a granting body or
898 contracting agency fails to enforce any provision of this
899 section, any individual who paid personal income taxes to the

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900 state in the calendar year prior to the year in dispute, or any
901 organization representing such taxpayers, shall be entitled to
902 bring a civil action in state court to compel enforcement under
903 this section. The court shall award reasonable attorney fees and
904 costs to such prevailing taxpayer or organization.

905 (5) PREEMPTION.—This act may not be construed to require or
906 authorize any recipient corporation to reduce wages or benefits
907 established under any collective bargaining agreement or state
908 or federal prevailing wage law.

909 Section 6. Corporate tax disclosure.—

910 (1) TAX DISCLOSURE STATEMENT REQUIRED.—If doing business in
911 this state, the following corporations shall file with the
912 Department of Revenue the statement described in subsection (2):

913 (a) All publicly traded corporations, including
914 corporations traded on foreign stock exchanges.

915 (b) All corporations 50 percent or more of the voting stock
916 of which is owned, directly or indirectly, by a publicly traded
917 corporation.

918 (2) CONTENT OF TAX DISCLOSURE STATEMENT.—

919 (a) The statement required by subsection (1) shall be filed
920 annually in an electronic format specified by the department
921 within 30 days after the filing of the tax return required by
922 chapter 220, Florida Statutes, or, in the case of a corporation
923 not required to file such a tax return, within 90 days after the
924 filing of such corporation's federal tax return, including such
925 corporation's inclusion in a federal consolidated return. The
926 statement shall contain the following information:

927 1. The name of the corporation and the street address of
928 its principal executive office.

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929 2. If different from the information required in
930 subparagraph 1., the name of any corporation that owns, directly
931 or indirectly, 50 percent or more of the voting stock of the
932 corporation and the street address of the former corporation's
933 principal executive office.

934 3. The corporation's three-digit North American Industry
935 Classification System code number.

936 4. A unique code number, assigned by the Department of
937 Revenue, to identify the corporation, which code number shall
938 remain constant from year to year.

939 (b) The following information shall be reported on or used
940 in preparing a corporation's tax return filed under chapter 220,
941 Florida Statutes, or, for a corporation included in a state
942 consolidated tax return, the following information shall be
943 reported on or used in preparing the state consolidated tax
944 return filed under chapter 220, Florida Statutes, or, for a
945 corporation not required to file a tax return under chapter 220,
946 Florida Statutes, the following information, which would be
947 required to be reported on or used in preparing the tax return
948 if the corporation was required to file such a return:

949 1. Federal taxable income.

950 2. Total cost of goods sold and claimed as a deduction from
951 gross income.

952 3. Taxable income prior to net operating loss deductions or
953 apportionment.

954 4. Property, payroll, and sales apportionment factors.

955 5. Calculated overall apportionment factor in the state.

956 6. Total business income apportioned to the state.

957 7. Net operating loss deduction, if any.

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958 8. Total nonbusiness income and the amount of nonbusiness
959 income allocated to the state.

960 9. Florida net income.

961 10. Total tax before credits.

962 11. Tax credits claimed with each credit individually
963 enumerated.

964 12. Alternative minimum tax, if applicable.

965 13. Tax due.

966 14. Tax paid.

967 15. Amount of tax due paid under protest, if applicable.

968 (c) The following additional information shall also be
969 reported on or used in preparing the corporation's tax return:

970 1. The total deductions for management services fees, rent,
971 royalty, interest, license fees, and similar payments for the
972 use of intangible property paid to any affiliated entity that is
973 not included in the state consolidated income tax return, if
974 any, that includes the corporation, and the names and principal
975 executive office addresses of the entities to which the payments
976 were made.

977 2. The sales factor that would be calculated for this state
978 if the corporation or consolidated group was required to treat
979 as sales in this state sales of tangible personal property to
980 the Federal Government and sales of tangible personal property
981 shipped or delivered to a customer in a state in which the
982 selling corporation is not subject to a state corporate income
983 tax or state franchise tax measured by net income or could not
984 be subjected to such a tax if the state was to impose it.

985 3. A description of the source of any nonbusiness income
986 reported on the return and the identification of the state to

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987 which such income was reported.

988 4. A listing of all corporations included in the
989 consolidated tax return that includes the corporation, if such a
990 return is filed, and their state identification numbers assigned
991 under the provisions of this section.

992 5. The full-time equivalent employment of the corporation
993 in the state on the last day of the tax year for which the
994 return is being filed and for the previous 3 tax years.

995 6. In the case of a publicly traded corporation
996 incorporated in the United States or an affiliate of such a
997 publicly traded corporation, the profits before the tax reported
998 on the Securities and Exchange Commission Form 10-K for the
999 corporation or the consolidated group of which the corporation
1000 is a member for the corporate fiscal year that contains the last
1001 day of the tax year for which the return is filed.

1002 7. The property and payroll factors for this state
1003 calculated as required by the Uniform Division of Income for Tax
1004 Purposes Act as embodied in Article IV of the Multistate Tax
1005 Compact and Multistate Tax Commission regulations applying
1006 thereto.

1007 8. The accumulated tax credit carryovers, enumerated by
1008 credit.

1009 (3) ALTERNATIVE STATEMENT OPTION FOR CORPORATIONS NOT
1010 REQUIRED TO FILE TAX RETURN.—In lieu of the statement described
1011 in subsection (2), a corporation doing business in this state
1012 but not required to file a tax return under chapter 220, Florida
1013 Statutes, may elect to file a statement with the Department of
1014 Revenue containing the following information:

1015 (a) The information specified in paragraph (2) (a).

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1016 (b) An explanation of why the corporation is not required
1017 to file a corporate income tax return in this state, which
1018 explanation may take the form of checking one or more possible
1019 explanations on a document drafted by the department.

1020 (c) Identification of which of the following ranges the
1021 corporation's total gross receipts from sales to purchasers in
1022 this state fell into in the tax year for which the statement is
1023 filed:

1024 1. Less than \$10 million.

1025 2. \$10 million to \$50 million, inclusive.

1026 3. More than \$50 million but less than \$100 million.

1027 4. \$100 million to \$250 million, inclusive.

1028 5. More than \$250 million.

1029 (4) SUPPLEMENTAL INFORMATION PERMITTED.—Any corporation
1030 submitting a statement required by this section shall be
1031 permitted to submit supplemental information that, in its sole
1032 judgment, could facilitate proper interpretation of the
1033 information included in the statement. The mechanisms of public
1034 dissemination of the information contained in the statements
1035 described in subsection (6) shall ensure that any such
1036 supplemental information be publicly available and that
1037 notification of its availability shall be made to any person
1038 seeking information contained in a statement.

1039 (5) AMENDED TAX DISCLOSURE STATEMENTS REQUIRED.—If a
1040 corporation files an amended tax return, the corporation shall
1041 file a revised statement under this section within 60 calendar
1042 days after the amended return is filed. If a corporation's tax
1043 liability for a tax year is changed as the result of an
1044 uncontested audit adjustment or final determination of

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1045 liability, the corporation shall file a revised statement under
1046 this section within 60 calendar days after the final
1047 determination of liability.

1048 (6) PUBLIC ACCESS TO TAX DISCLOSURE STATEMENTS.—The
1049 statements required under this section are public record. The
1050 Department of Revenue shall make all information contained in
1051 the statements required under this section for all filing
1052 corporations available to the public on an ongoing basis in the
1053 form of a searchable database accessible through the Internet.
1054 The Department of Revenue shall make available and set charges
1055 that cover the cost to the state of providing copies on
1056 appropriate computer-readable media of the entire database for
1057 statements filed during each calendar year as well as hard
1058 copies of an individual annual statement for a specific
1059 corporation.

1060 (7) ENFORCING COMPLIANCE.—The accuracy of the statements
1061 required under this section shall be attested to in writing by
1062 the chief operating officer of the corporation and shall be
1063 subject to audit by the Department of Revenue in the course of
1064 and under the normal procedures applicable to corporate income
1065 tax return audits. The Department of Revenue shall develop and
1066 implement an oversight and penalty system applicable to both the
1067 chief operating officer of the corporation and the corporation
1068 itself to ensure that corporations doing business in this state,
1069 including those not required to file a return under chapter 220,
1070 Florida Statutes, provide the required attestation and
1071 disclosure statements, respectively, in a timely and accurate
1072 manner. The Department of Revenue shall publish the name and
1073 penalty imposed upon any corporation subject to a penalty for

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1074 failing to file the required statement or filing an inaccurate
1075 statement.

1076 Section 7. Rulemaking authority.—The Department of Economic
1077 Opportunity and the Department of Revenue shall adopt rules
1078 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
1079 implement the provisions of this act conferring duties upon
1080 them.

1081 Section 8. This act shall take effect July 1, 2012.